

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

ANGELA HOSKINS,

Civil Action File No.

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

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**NOTICE OF REMOVAL**

COMES NOW, WAL-MART STORES EAST, LP named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Wal-Mart Stores East, LP in the State Court of Forsyth County, Georgia, which is within the GAINESVILLE Division of this Court 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 20SC-0572-A. Plaintiff's claim against Defendants includes claims of negligence.

2.

Plaintiff filed the Complaint on or about June 9, 2020. Defendant received service of summons and copies of the Complaint and filed their answer on June 18, 2020.

3.

Defense counsel received an email from Plaintiff's counsel on January 11, 2021 indicating that Plaintiff had neck surgery scheduled for early February and that the surgery was related to her alleged incident at Wal-Mart. Defendant has attached as Exhibit "A," Plaintiff's counsel's January 11, 2021 email. In addition, on February 4, 2021, Plaintiff's counsel forwarded additional medical records and expenses for a low back injury requiring surgery, specifically these documents included an estimate for a Left L4-5 Laminotomy and Discectomy and L5-S1 Laminotomy and Discectomy. The estimate indicated that the medical cost for this surgery was \$42,301.20. Defendant has attached as Exhibit "B," the Laminotomy and Discectomy Estimate received on February 4, 2021. Defendant files this Notice of Removal within thirty (30) days after the receipt of the January 11, 2021 email and the receipt of the February 4, 2021 email with Laminotomy and Discectomy Estimate from which it was first ascertained that the case became removable. 28 USC § 1446.

4.

Defendant WAL-MART STORES EAST, LP is a Delaware limited partnership, of which WSE Management, LLC is the only general partner, and WSE Investment, LLC is the only limited partner. The sole member of WSE Management, LLC and of WSE Investment, LLC is Wal-Mart Stores East, LLC, and the sole member of Wal-Mart Stores East, LLC is Walmart Inc. formerly known as Wal-Mart Stores, Inc. Walmart Inc. is a Delaware corporation with its principal place of business in the State of Arkansas, and it was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of this lawsuit or at any time thereafter. The principal place of business for all entities mentioned in this paragraph is 702 SW 8<sup>th</sup> Street, Bentonville, AR 72716.

5.

Angela Hoskins is a citizen of Georgia.

6.

Complete diversity of citizenship exists between Plaintiff and Defendant.

7.

Plaintiff Angela Hoskins claims she suffered injuries to her spine and knee. Plaintiff has undergone conservative therapy and interventional injections. See attached as Exhibit "C", the February 4, 2021 medical note from Georgia Brain &

Spine. The amount in controversy, exclusive of interest and costs, exceeds \$75,000. See Exhibits "A" and "B"; Plaintiff's counsel's January 11, 2021 email, and the cost estimate for a Left L4-5 Laminotomy and Discectomy and L5-S1 Laminotomy and Discectomy.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "D" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of Forsyth County, Georgia for the above-styled case.

11.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

12.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

13.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Forsyth County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant Wal-Mart Stores East, LP prays that the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Gainesville Division.

McLAIN & MERRITT, P.C.

/s/ Jennie E. Rogers

Jennie E. Rogers

Georgia Bar No. 612725

/s/ Howard M. Lessinger

Howard M. Lessinger

Georgia Bar No. 447088

Attorneys for Defendant

The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the fonts and point selections approved by the court in LR 5.1B.

/s/ Jennie E. Rogers

Jennie E. Rogers

**CERTIFICATE OF SERVICE**

This is to certify that on February 8, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Jennie E. Rogers  
Jennie E. Rogers  
Georgia Bar No. 612725  
Attorney for Defendant  
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E., Suite 500  
Atlanta GA 30326-3240  
(404) 365-4576  
jrogers@mmatllegal.com